

**REMARKS**

Claims 1-20 have been amended. Claims 1-20 remain for further consideration. No new matter has been added.

The objections and rejections shall be taken up in the order presented in the Official Action.

**1-2.** Claims 1-3, 5-10 and 12-20 currently stand rejected for allegedly being obvious in view of the combined subject matter disclosed in U.S. Patent 5,940,398 to Stiegler et al. (hereinafter “Stiegler”), U.S. Patent 5,808,660 to Sekine et al. (hereinafter “Sekine”), U.S. Patent 5,596,647 to Wakai et al. (hereinafter “Wakai”), U.S. Patent 5,121,205 to Ng et al. (hereinafter “Ng”) and U.S. Patent 6,097,435 to Stanger et al. (hereinafter “Stanger”).

**Claim 1**

The Official Action recognizes that Stiegler fails to teach certain features of claim 1. (Official Action, pg. 4). The Official Action then contends that *“in an analogous art, Sekine teaches it is desirable to use compressed audio/video (MPEG compression of audio/video) either MPEG1 or MPEG2 for transmission of signals at various definition (bit rates) depending on the type of device connected to the network (col. 6, lines 6-12; col. 4, lines 40-43; figs. 10-11.”* (Official Action, pg. 4). The Official Action concludes that *“it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Stiegler to include compressed audio/video as taught by Sekine for the added advantages of being in compliance with a well known/commercial standard that enables reduced bit rate playback of a diverse selection of media/media types, e.g., video CDs, DVD standard discs, MP3 audio, etc., and media playback devices.”* (Official Action, pg. 4).

The Official Action recognizes that the combination of Stiegler and Sekine fail to disclose certain features of claim 1. (Official Action, pgs. 4-5). The Official Action then contends that “*in an analogous art, Wakai teaches it is desirable to use an audio buffer for intermediately storing separated audio data before it is transmitted to a ring network so that synchronization within the passenger entertainment system is maintained based on the network transmission rate (fig. 1) (col. 24, lines 23-42).*” (Official Action, pg. 5). The Official Action concludes that “*it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Stiegler in view of Sekine to include an audio buffer for intermediately storing the separated audio data as taught by Wakai for the well known advantages of improving transmission load efficiency and reducing data read/write/codec errors because buffers enable interconnecting of two digital circuits operating at different rates, holding data for use at a later time, allowing timing corrections to be made on a data stream, collecting binary data bits into groups that can then be operated on as a unit, and delaying the transit time of a signal in order to allow other operations to occur.*” (Official Action, pg. 5).

The Official Action recognizes that the combination of Stiegler, Sekine and Wakai fail to teach certain features of claim 1. (Official Action, pg. 5). The Official Action then contends that “*in an analogous art Ng teaches a bit rate converter 514 (fig. 5) to recode a high definition signal 510 (fig. 5) to a standard (lower resolution) MAIN signal, e.g., a NTSC signal shown at 515 (col. 5, lines 13-35; col. 2, lines 21-30). Ng teaches a video buffer 516 (fig. 5) for intermediately storing the separated video data (col. 5, lines 29-32). Ng does this so that when the signal (Y' I' Q') separated from the high definition signal 510 is received as an auxiliary signal by a receiver/decoder it will maintain synchronism with the main signal, e.g., audio or video, transmitted on a network are properly aligned/synchronous when recombined for presentation at the receiver/decoder (col. 2, lines 14-31).*” (Official Action pgs. 5-6). The

Official Action concludes that “*it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Stiegler in view of Sekine and Van Steenbrugge to include a bit rate converter to recode, and a video buffer for intermediately storing the separated video data as taught by Ng for the added advantage of minimizing system and receiver cost by transmitting a less bandwidth demanding signal that is compatible with a plurality of commercially available and standard receiver devices.*” (Official action pg. 6; where “Van Steenbrugge” mentioned above, while not explicated listed in the Official Action, is taken to mean U.S. Patent 5,485,459, previously submitted by Applicant in an Information Disclosure Statement).

The Official Action contends that “*Stiegler in view of Sekine, Wakai, and Ng teach control units connected to the audio (Van Steenbrugge - col. 5, lines 25-35 - control arrangement 416 - fig. 4) and video buffers (Ng - 516; 518 - fig. 5; col. 4, lines 9-12; col. 5, lines 29-32 & lines - 50-56).*” (Official Action pg. 6). The Official Action recognizes that “*Stiegler in view of Sekine, Wakai, and Ng fail to teach a control unit which specifies and controls the adjustable intermediate storage time of the buffers.*” (Official Action pg. 6). The Official Action contends that “*in an analogous art Stanger teaches it is desirable to use a control unit 80 (fig. 4) which specifies and controls the adjustable intermediate storage time of buffers for controlling bit rate output when distributing compressed a audio/video signal in a limited bandwidth network (col. 4, lines 42-51; col. 3, lines 15-47; col. 7, lines 39-42).*” (Official Action pg. 6). The Official Action concludes that “*it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Stiegler in view of Sekine, Van Steenbrugge, and Ng to include a control unit which specifies and controls the adjustable intermediate storage time of the buffers as taught by Stanger for the added advantage of reducing the bit rate of the source signal and conserving bandwidth on the data line/ring network (Stanger - col. 1, lines 30-*

34)." (Official Action pgs. 6-7). It is respectfully submitted that this rejection is improper for several reasons.

### **THE CLAIMED INVENTION IS PATENTABLE OVER THE COMBINED REFERENCES**

The combined references, including Stiegler fail to disclose the claimed feature of "*a data source for compressed audio and video data.*" Specifically, the Applicant respectfully disagrees with the judicial notice taken by the Examiner that the video camera alone "inherently comprises audio output/source", in particular for the stated reason of "*in order to perform the left/right audio channel distinction as disclosed.*" (Official Action pg. 3). A fair and proper reading of Stiegler including FIG. 3 of Stiegler reveals separate video and audio sources 41, 42. Further, the left and right audio channel distinction disclosed in Stiegler is explicitly mentioned with respect only to the audio source (i.e., the CD player 42) and not also to the video source 41. Also, the channel distinction with regard to the video source explicitly disclosed in Stiegler is only with respect to the left and right video channels. There is no suggestion that this video channel distinction is also with respect to audio data of any type associated with the video source 41. (Col. 6, lines 33-41). As a result, it is respectfully submitted that the judicial notice taken in the Official Action is improper.

Further, Stiegler also fails to disclose the claimed feature of "*a demultiplexer to separate the compressed audio and video data contained in one compressed signal.*" Specifically, Applicant respectfully disagrees with the judicial notice taken by the Examiner that Stiegler inherently teaches a demultiplexer, in particular for the stated reason of "*in order for the system to separate the data into left and right channels or to separate 'channels of any kind', e.g., to separate a stereo audio CD into left and right channels as disclosed in col. 6, lines 33-41 and col. 3, lines 8-11 & lines 33-39.*" (Official Action pg. 3). As recited in claim 1, the

demultiplexer separates “*the compressed audio and compressed video data contained in one compressed signal.*” That is, separation of two different types of compressed data occurs. The stated reasons in the Official Action used to justify the judicial notice taken of the inherency of a demultiplexer in Stiegler do not relate at all to the language of claim 1. Those reasons relate to separating data of only one type, in this case, stereo audio data, into two different channels. This is vastly different than the claim language noted above where compressed audio and video data are separated. As a result, it is respectfully submitted that the judicial notice taken in the Official Action is improper.

In light of the foregoing, the tenuous five reference obviousness rejection of claim 1 cannot be sustained because the combined teachings, including in particular Stiegler, fail to disclose certain features of claim 1 and the Official Action’s contention of judicial notice of these undisclosed features in the prior art is improper.

Therefore, it is respectfully submitted that the obviousness rejection of claim 1 is now moot, and that claim 1 is in condition for allowance and should be passed to issuance.

### **Claim 13**

Claim 13 currently stands rejected for the same reasons as claim 1. The arguments set forth above with respect to the patentability of claim 1 apply to amended claim 13. Thus, it is respectfully submitted that the obviousness rejection of claim 13 is now moot and that amended claim 13 is in condition for allowance and should be passed to issuance.

### **Claim 19**

Claim 19 currently stands rejected for the same reasons as claim 1. The arguments set forth above with respect to the patentability of claim 1 apply to amended claim 19. Thus, it is

respectfully submitted that the obviousness rejection of claim 19 is now moot and that amended claim 19 is in condition for allowance and should be passed to issuance.

3. Claim 4 currently stands rejected for allegedly being obvious in view of Stiegler, Sekine, Wakai, Ng, Stanger and U.S. Published Application 2001/0014207 to Kawamura (hereinafter "Kawamura").

It is respectfully submitted that the rejection of these claims is now moot, since this claim depends indirectly from claim 1, which is patentable for at least the reasons discussed above.

4. Claim 11 currently stands rejected for allegedly being obvious in view of Stiegler, Sekine, Wakai, Ng, Stanger and U.S. Patent 5,898,695 to Fujii (hereinafter "Fujii").

It is respectfully submitted that the rejection of this claim is now moot, since this claim depends from claim 1, which is patentable for at least the reasons discussed above.

For all the foregoing reasons, reconsideration and allowance of claims 1-20 is respectfully requested.

If a telephone interview could assist in the prosecution of this application, please call the undersigned attorney.

Respectfully submitted,



Patrick J. O'Shea  
Reg. No. 35,305  
O'Shea, Getz & Kosakowski, P.C.  
1500 Main Street, Suite 912  
Springfield, MA 01115  
(413) 731-3100, Ext. 102

**IN THE DRAWINGS:**

The attached sheet of drawings includes changes to FIG. 1. This sheet replaces the original sheet that included FIG. 1.